IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

MACA.No. 1036 of 2007()

OPMV.2519/2002 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE

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APPELLANT/PETITIONER

P.KRISHNANKUTTY, AGED 44 YEARS,
S/O VELLAN, RESIDING AT PANAMKULAM NILAM HOUSE,
KANNADIKKAL P.O., VEGERI, KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS: RESPONDENTS

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1. **P.VISWANATHAN NAIR, AGED AND FATHER'S NAMED NOT KNOWN, RESIDING AT AMBADI HOUSE, P.O.CHEVAYOOR, KOZHIKODE.**

2. **UNITED INDIA INSURANCE COMPANY LIMITED, DIVISIONAL OFFICE, WHITE LINES BUILDINGS, KALLAI ROAD, KOZHIKODE.**

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

M.A.C.A 1036 of 2007

Dated this the 9th day of July, 2007

JUDGMENT

The petitioner in O.P (MV) No.2519/2002 on the file of the Principal Motor Accidents Claims Tribunal Kozhikode is the appellant. The appellant filed original petition claiming compensation alleging that at about 9.30 a.m on 19-01-2002 he sustained injuries in a motor vehicle accident involving a motor cycle KL 11/L 8768. The insurer alone contested the matter. It was averred that the accident occurred due to the negligence on the part of the car driver. The petitioner produced reference card alone to prove the accident and injuries. The Tribunal had noted that the name of the doctor, the name of the patient and dates were corrected and overwritten. So the Tribunal did not place any reliance on that document. No wound certificate was produced. After evaluating the evidence the Tribunal found that the appellant filed to prove that an accident as alleged had taken place. It was also found that the appellant failed to prove the negligence. This is a finding of fact based on good evidence. I do not find any illegality or impropriety in the award passed . So there is no scope for any interference in the appeal and the appeal is only to be dismissed.

In the result the appeal is dismissed.

K.PADMANABHAN NAIR, JUDGE

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